

Previous references

(1923 .
R A)

File No. 29-23

Serial Nos. 1 3-5

11+119

Later references

To be preserved for the present

By 21/1/24

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Six

J

Part B for May 1924.

SUBJECT

Petition of Mr. Chavunigonda of Mandya appealing against the order of the Dy. Commr. Mysore in upholding the election of Mr. Chavunigonda of Mandya as a member of the R.A. from Mandya rural constituency

No P. 6456 of 23-5-24

To Mr. Chavunigonda

Rejects the petitions for reasons
stated therein.

Mamaswamy Ganga
27/5/24

1923

GENERAL AND REVENUE SECRETARIAT.

(B A)

NOTES.

File No. 2913

FILE HEADING.

Appeals against elections to the Pesh
Assembly

From

Mr. Chennu Gowda son of Hombale
Sowda Maddur, Mysore Dist

No. *Appeal petition* Dated 5-3-24 Received 5-3-24

Diary No. 3802

Enclos.

Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Appeals against the order of the
Deputy Commissioner of Mysore in
upholding the election of Mr. M. C. Linga Gowda
is a member of the P. A. from Mandya
Rural Constituency. It requests that the
order may be set aside and the election
of Mr. Linga Gowda also set aside on
account of some irregularities.

NOTES AND ORDERS.

Orders of the L. & L. Secy. on the petition
call for the records.

Into Bm
5/3/24

3 Draft submitted
4 issue
5/3/24

Serial
No.

3.

To, The Deputy Commissioner, Mysore Dist.
No. P. 4944 dated 6-3-1924.

With reference to Sl. 1, requests him to forward to this office the records connected with the elections referred to. them along with his report in the matter.

4.

From The Deputy Commissioner Mysore
No H.C. 216 dated 4-3-1924

Forwards a report regarding the disposal of objection petitions received in connection with the election of Candidates to the Representative Assembly from the Rural Constituencies of the Mysore District.

5. The first three objection petitions have been dismissed by the Deputy Commissioner & in the case of the fourth petition from Mr. M.C. Lingegonda & others, the original election result, declaring Mr. Chennegonda as duly elected amongst others for the Mandya Taluk, has been set aside & Mr. M.C. Lingegonda has been declared by the Deputy Commissioner, as duly elected in place of the former. Draft notification, accordingly, declaring Mr. Lingegonda, as duly elected, is put up as per personal instructions of Local Deputy Secretary, for approval.

BMM

6/3

(2) ✓

Serial
No.

5

In the Computer, Mysore Gazette
No. 9446-D(7.3.24)
Directs that Mr. M. C. Lingepurda
be declared elected to the Rep. Assembly
from the Mandya Rural Constituency
in place of Mr. Cannegooder.
Whose election has been held
to be invalid by the Dy. Com.
Mysore Dh.

14

From the Dy. Com. Mysore Dh.

No. R.H.C. 316/22-24, D(7.3.24)

Forwards the entire file of records as
per previous relating to O. P. No. 4 of
1923-24 on the file of his Court & states that
the facts of the case have been fully set
forth in the order passed by him.

7. Submitted for perusal and orders.
The only ^{clear} point in the Appellants
favour is that the objection petition
of Mr. M. C. Lingepurda, was filed
in the Court of the Dy. Commissioner
Mysore Dh. on 25.2.24 instead of
within one week after the day on which
the result of election was declared.

The elections took place on 15.4.16 of Feb. 1924
And the result of election must have been declared

Flag D

See para: 3 of
Instr. No. 8225
2-37

D/7-14.3

Flag K

(Main Part I)

NOTE—Contd. sheet.

4018
44Serial
No.

on the 16th or 17th Feb, 1924. The objection petition ought ~~not~~ to have been on the 23rd or on the 24th Feb 1924. The Dn Commissioner's Order is silent about this point.

18/3

10 There are two separate cases viz Mandya taluk + Heggasidewankote taluk mixed up in the file - Please separate them and put up in two separate files. Regarding Mr. Channiah's petition have records with report been called for from the Deputy Commissioner? In the case of Mr. Channiah's appeal (Mandya case), please note when the results were declared. A copy of the Gazette in which these results were published may also be put up, so that it may be ascertained whether the application to the Deputy Commr. was in time. There seems to be a provision that in proper cases the Deputy Commr. may extend the time limit if necessary.

any
15/2

Recd
16/2

R# File No. 29

of 1923

4078

Serial
No.

11 Submitted

12 The two files have been separated.

The Dy. Commissioner's report in the Heggadadman Kote election case has been received and separately submitted for orders.

13 It is seen from the records that the objection petition was filed on 21.2.24 and not on 25.2.24 as previously noted.

14 The Gazette publishing the results of election is put up. It is not known when the results of election were declared in -

Mandya.

15 File relating to the extension of time re: filing of appeal petitions is put up 19/24.

16 The appellant (Mr. Chennegoda) in this case, was elected the Representative Assembly in the general election held at Mandya the 15th and 16th of February. The respondent (Mr. Lingegoda) presented a objection petition to the Deputy Commissioner alleging corrupt practices on the part of the Appellant, and succeeded in unseating the appellant, and getting

Flag J
In Kelaframa is
presented to Mr. H. C. Desai for
advocate for Mr. Lingegoda
is dated 25. And this was
taken as the date of filing
the petition. The mistake
is corrected.

Flag H
(Lanka file)

Serial
No.Enclosure to
Paper under
Disposal.

himself declared. The present appeal is against the order of the Deputy Commr on the following grounds:-

(a) that the appeal before the Deputy Commr was not filed in time.

(b) that the Deputy Commr erred in holding that corrupt-practices - viz feeding the voters, and paying their baggage and cart hire - were proved.

(c) that inaccurate statements in the manifesto issued, were corrected before issue, and that even otherwise they will not vitiate an election.

(d) that granting corrupt-practice is proved, the respondent is also open to the same charge, and ought not to have been declared elected.

17. As regards (a) the appeal has been filed in time, and the contention is not tenable. Elections were held on the 15th + 16th February and the appeal was filed on the 21st February - (the date is marked by the Deputy Commr on the petition itself.)

18. (c) + (d) may be disposed of similarly. Any inaccurate statements in a manifesto, that he was a member

Serial
No.

Hag J

of the District Board when he was not, are not classified as corrupt practices. In some manifestoes the words have been deleted, probably in after thought, as in those produced by the opponent the words remain. As to (d) so long as the appellant remains unseated, it is immaterial whether his opponent or another who secured the next highest number of votes, succeeds. For purposes of this appeal, the point is not relevant.

19. The whole case depends upon the proof of the corrupt practices. There are no witnesses of different villages examined, and on the strength of their testimony, the Deputy Commr believes that the Appellant fed some of the voters and paid the railway fare and cart-hire of some others, through his agents. Appellant has examined six witnesses to show that there was no such feeding or payment of fares.

20. It is found that some of the

88

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No.

witnesses who have deposed against the appellant, are either related to the opponent or belong to his party. In the case of some others, it is ~~the~~ hearsay evidence, as they themselves could not vouch for the exact party who paid the fares. They are all agreed that they did not pay their own fares, but were paid by others.

21 In fact, as suggested by the Appellant, in an election dispute it is easy enough to get some people to depose to corrupt practices. Such testimony should be received with extreme caution. When most of the witnesses are either relations of the opponent or belong to his party and actually vote for him, as in this case, it would be safer to reject their evidence or require better proof. There can be no doubt that such corrupt practices are resorted to in almost all elections, and to a certain extent they will have to be connived at, except in glaring instances, where there can be no much room for doubt.

RA File No. 29

of 19 23

2018 9 (9)

Serial
No.

22. In this case the Deputy Commr could have rejected the objection petition, if he was so inclined, but as he has not done so, and is apparently supported by the evidence of the witnesses on the side of the Opponents, it is perhaps not desirable to reverse his order, particularly as it is a question of fact, which the Deputy Commr was in a better position to judge, from the status of the witnesses and their demeanour, than it is possible to judge here on paper.

23. Subd for orders

(H. Secy)

Cag
- 24/4

General and Revenue
Secretariat.

File No. 29 of 1923

Serial
No.

Flag P

24 This is an appeal against the order of the Deputy Commissioner of Mysore setting aside the election on the ground that the opponent had been found to have given cart hire to some ^{of the voters,} and railway fare to others and that he fed these voters at his own cost at Sangappa's Chatram at Mandya.

25 I have gone through the mass of evidence recorded in this case. The petitioner has examined 14 witnesses including himself, namely,

Flag 2 P11

(1) Petitioner

Flag 2 P12

(2) Narasimha Gowda

do P12

(3) Boshi Veerappa

do P12

(4) Thimmiah

do P12

(5) Putte Gowda

do P13

(6) Hagalahalli Linge Gowda

do P13

(7) Honne Gowda

do P13

(8) Karidevana Malle Gowda

do P14

(9) Kada alias Kari Gowda

do P14

(10) Honniah

do P14

(11) Putte Gowda son of Bore Gowda

do P14

(12) Hotte Gowda

do P15

(13) Hakki Gowda

do P15

(14) Channa Mallappa

Flag 2 P12

26 P.W.-2 says that he was fed at ~~his~~ ^{the} expense of the opponent at the ~~hotel~~ ^{chatram} and that he was brought in a cart hired by the agent of the opponent and that he gave his vote for him. Nothing has been elicited in the cross-examination to show that he ~~was~~ ^{is} interested in the petitioner.

Flag 2 P12

273 P.W. He deposes to the same ^{effect} and corroborates

Flag Z P12

Serial
No.

28 4 P.W. He deposes to the fact of voters being fed by the opponent. In the cross examination it is elicited that he is a relative of the petitioner. His evidence may therefore be characterised as interested.

Flag Z P12

29 5 P.W. speaks to the feeding and also to the fact of railway fare of 5 annas being paid by Basaviah. He is not shown to be interested.

Flag Z P13

30 6 P.W. swears to the fact of opponent's brother-in-law purchasing the tickets and distributing the same to the voters on behalf of the opponent and to the fact of his being fed at his expense both on the 15th and on the 16th February. He further says that he was asked to induce other voters to vote for the opponent. In the cross examination he says that he was brought that day to the Court by the brother of the petitioner and that he could not say who got tickets from Thimmiah.

Flag Z P13

31 7 P.W. swears that the opponent had given Rs.3 to one Manche Gowda to meet the expenses of bringing the voters by rail, and that he was so brought at their expense. In the cross examination he states that he did not vote for Chenne Gowda.

Flag Z P13

32 8 P.W. corroborates P.W.7 and says that he is related to P.W.7.

Flag Z P14

33 9 P.W. swears to the fact of the brother-in-law of ~~thence~~ the opponent (Thimmiah) distributing tickets to the voters at the station and to the fact of his having been given one and of his being asked to vote for the opponent. Nothing is elicited in the cross examination to impugn his credit.

Serial No.	
Flag Z P13	34 10 P.W. speaks to the ~~fact that~~ feeding of voters by the opponent at Sangappa's Chatram.
- Do -	35 11 P.W. also speaks to the feeding
- Do -	36 12 P.W. speaks to the feeding at Chatram.
Flag Z P14	37 13 P.W. He also speaks to the feeding. He is a distant cousin of the petitioner
- Do -	38 14 P.W. speaks to the fact of Thimmiah distributing tickets to the voters on behalf of the opponent.
- Do -	39 This closes the evidence for the petitioner The opponent has examined
Flag W P16	(1) Opponent
- Do -	(2) Hutche Gowda
- Do -	(3) Mudi Gowda
- Do P17	(4) Chikka Naye Gowda
- Do P17	(5) Bore Gowda
- Do P17	(6) Sidde Gowda
- Do P17	(7) Thimmiah
Flag W P18	(8) Ere Gowda
Flag W P18	(9) K. Thimmiah.
Flag W P18	40 2 O.W. speaks to the fact of his going by train at his own expense. He does not refer to any other matter.
Flag W P16	41 3 O.W. says that he did not see Thimmiah distributing tickets but he is a relative of the opponent.
Flag W P17	42 4 O.W. corroborates O.W. 3.
Flag W P17	43 5 O.W. says ~~he~~ that he travelled at his own expense. He admits he has money dealings with the opponent.

Serial
No.

7446

44. 6 O.W. says that he purchased his own ticket and that the petitioner's father tried to give him a ticket. He is a relative of the opponent.

7457

45. 7 O.W. speaks of his travelling by train at his own expense and volunteers ~~in~~ the statement to the effect ~~that~~ that the petitioner's father did try to give him a ticket.

7468

46. 8 O.W. says that nobody fed the voters at the Chatram.

7479

47. 9 O.W. speaks to the fact of a manifesto being printed at Bangalore and to the fact of the petitioner having got him to write about the opponent being a member of the District Board etc. He is a close relative of, and a dependant upon the opponent. His evidence cannot be relied on in as much as it is incredible that the petitioner could have helped him to write false statements regarding the status of the opponent long before the election.

48. There is overwhelming evidence adduced by the petitioner and it is not rebutted. The Deputy Commissioner who had the undoubted advantage of watching the demeanour of these witnesses has given credence to their statements. Generally speaking, the appellate Court will not interfere with the finding of fact arrived at by the Lower Court, especially when the fact is not a complicated one and depends upon the credibility to be attached to witnesses, as the appellate Court will not have the undoubted advantage, which the Lower Court has, of watching the demeanour of the witnesses. The

Serial
No.

The weight of evidence and the probabilities lend strong support to the view taken by the Deputy Commissioner.

49. The order may not therefore be disturbed.

Sewany

50. *Then, indent to 1st 1/4
for two of demand*

*h
25*

or indent -

51. *24/5 - the appeal per
may be revised -*

Dun

52. *24/5 -*

20.5

53. *24/5 -*

54. *Draft submitted -*

21/5

*Some
24/5*

General and Revenue
Secretariat.

R.A. File No. 29

of 1923-4

Serial
No.

49

To Mr. Chennu Rouda
 Sanga & Sumbale Rouda
 Maddur, Mysore Dist

No. P. 6454 dt 23.5.24

By Rejects its appeal for reasons
 stated therein

No. P. 6455 - Copy to Dm. Mysore

P

7/15

G. R. S. VI—G/32]

SUBJECT

Forwards the Appeal
petition of Mr. Chamegowda
of Mysore Dt. for support with
records.

Diary No. of letter replied to

3802

Section

RA

File No.

29-23

Serial No.

3.

General and Revenue Secretariat

(RA)

, the

192

No. P. 4964

enclosure -

Date of issue

6-3-24

To

The Deputy Commissioner

Signed by

M. C. P. S.

Mysore Dt.

Sir,

I am directed to
forward herewith
Appeal petition ^{with all its contents} presented
by Mr. Chamegowda,
son of Hombalegowda
Maddur, Mysore Dt.,
Appealing against order
on Objection petition
No 4 of 1923-24 in
the Court of the 2nd Co

17
Myself & saying
that it may be set
aside and the election
of Mr. M. C. Lingappa
son of Mr. Channabose
son of Mr. Maddur
the Rep: Assembly from
Mandya Rural ^{Constituency} ~~area~~.
May ^{also} be set aside and
to request that the records
of the ^{election} case may be
forwarded to this office
very early together with
your report in the matter
I am etc

List of enclosures,

53 For-d. & d. Secy.

Copied by

Examined by

r No. H. C. 316
23-24

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT,

Dated, Mysore, ... 4th March 1924.

From

B. Ramaswamiya, Esq., B.A., B.L.,

Deputy Commissioner, Mysore District.

To

B. Nagappa, Esq., Bar-at-Law,

Secretary to the Government of His Highness
the Maharaja of Mysore, Bangalore.

Local and Legislative Departments.

SIR,

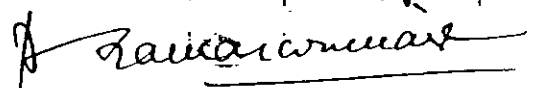
Adverting to para 2 of G.O.No.1989-99 Legis.14-23-119 dated the 19th February 1924 re communication to Government of the result of disposal of objections relating to elections to the Representative Assembly from the several rural constituencies of the District, I have the honor to state that 4 objection petitions regarding the return of candidate from the constituencies of Heggaddevankote, Chamarajnagar, Gundlupet and Manjya were filed in accordance with para 3 of G.O.No.P.2400-Legis.12-23-7 dated 7th November 1923.

These petitions were heard and duly disposed of in accordance with the instructions contained in the G.O. above referred to, and the result of disposal of each of the above said petitions is noted in the margin.

I have the honor to be,

Sir,

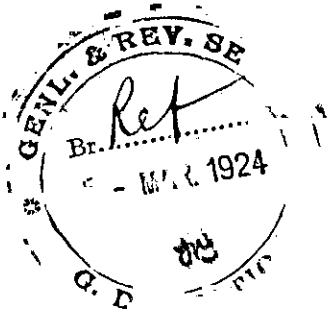
Your most obedient servant



Deputy Commissioner,

Mysore District.

KSS



59

Date of institution	Name of constituency	Names of parties	Date of disposal	Result of disposal
18-2-24	Heggaddevankote	Petitioner Messrs. C. Harasimha and three others	Opponent Messrs. Subba Rao and Dase Gowda.	Petition dismissed 1-3-24
20-2-24	Chamarajnagar	Mr. Veeranna	Mr. Puttanna and Mr. Venkata nagappa setty	do 28-2-24
20-2-24	Gundlupet	Mr. V. K. Hanjundia	Messrs. Gurukar Hanjappa Chennabasappa Mr. Chennegowda	do 28-2-24
21-2-24	Mandya	Mr. M. C. Lingegowda		Mr. M. C. Lingegowda declared elected in place of Mr. Chennegowda. 1-3-24

From

The Deputy Commissioner,
Mysore District.

To

The Secretary,

Local and Legislative Dept.
Bangalore.

Dated 4th March 1924.

Despatched

Received

General No.
No.

Enclosure No.

Regarding the disposal of objection petitions received in connection with the election of candidates to the Representative Assembly from the rural constituencies of the Mysore District.

SUBJECT

Notified
 Direct that Mr. M. C. Lingegonda
 be declared elected to the R.A. from
 the Mandya Rural constituency in place
 of Mr. Channegonda whose election has
 been held to be invalid by the Dy. Commr.

Diary No. of letter replied to ... *None*Section *Legis* R.A.

File No. 29-23.

Serial No. 5

General and Revenue Secretariat

, the

192

Notification

P. 4446

Date of issue

7-3-24

Signed by

H. B. Nagappa

Under rule 6(a) of the rules issued
 To with notification no P. 2400/legis 12-13-7

dated 7-11-1923 regarding the decisions
 of doubts and disputes as to the validity
 of any election to the Representative
 Assembly; Govt are pleased to direct

That Mr. M. C. Lingegonda ^{is} ~~has been~~ declared
 as duly elected to the Representative Assembly
 from the Mandya Taluk. ^{in place} ~~in place of~~ Mr.
 Channegonda, whose election has been
^{held} ~~proven to be~~ invalid by the Deputy Commissioner
 Mysore District.

By order,

caj ~~For~~ Secretary to Govt
 7.3 L & L Depto.

RBN
6/3

To: The Compiler, Mysore Gazette for
 publication in part D of the Gazette

No.

R.H.C. 316/23-24

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT,

2 in two files
Dated, Mysore, 7th March 1924. *4018*
58:14 *P* *21* *XL22*

From

B. Rameswamaiya, Esquire, B.A., B.L.,
Deputy Commissioner, Mysore District.

To

B. Nagappa, Esquire, Bar-at-law.
Secretary to the Government of His Highness
the Maharaja of Mysore, Bangalore.
(Local and Legislative Departments)

SIR,

In reply to your letter No. P. 4944/R.A. 29-23-3 dated 6th March 1924, I have the honor to forward herewith the entire file of records as per pherist, relating to O.P. No. 4 of 1923-24 on the file of this court (Petr Mr. M.C. Linge Gowda, Opponent Mr. Chenne Gowda) The facts of the case have been fully set forth in my order dated the 1st instant which is in the file. The enclosures received with your letter under reply are returned herewith.

I have the honor to be,
Sir,
Your most obedient servant,

B. Rameswamaiya

Deputy Commissioner, Mysore Dt

BNR

Lu Regd Post

192

From

Camp D. no. 3/12/24
The Deputy Commissioner,
Mysore District.

To

The Secretary to the Government
of Mysore, Bangalore.
(Local and Legislative Deppts)

Dated 8th March 1924

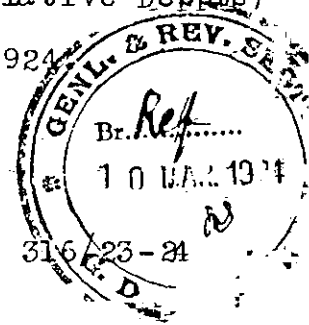
Despatched

Received

General No. R.H.C. 316/23-24
No.

Enclosure No. Two files.

- Submitting the records re the
election objection petitions of
Mr. Linge Gowda etc.,



I have noted that
Mr. M. C. Linge Gowda
is a member.

As regards the rest,
this is an appeal that has
been disposed of in the Local &
Legis. Dept.

Local & Legis.
Secy. with Complts.

R.R.
12/3

It is not clear why this has
been sent to this branch from
Bangalore. May be referred to
the Protection branch

SR

11.3.24

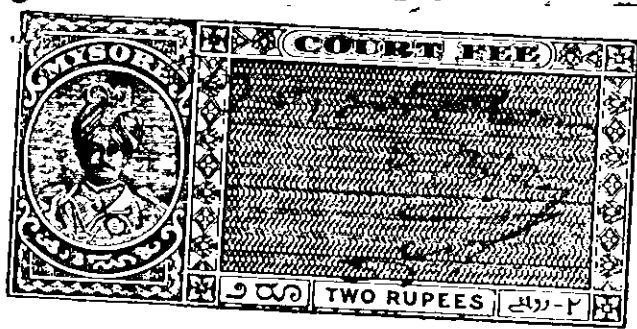
11.3.24

(To be returned with the Report)

3802

23-7

RA29-23-1



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE,

Election Appeal No. of 23-24.

APPELLANT.

Chenne Gowda,
son of Hombale
Gowda, Maddur,
Mysore Dt.,

-Vs-

RESPONDENT.

M.C.Linge, Gowda
son of Channa Hombale
Gowda, Maddur.

Appeal against the order of the Deputy
Commissioner of Mysore in objection Petition 4 of
23-24.

The appellant begs to submit as follows:-

I. The appellant has been a member of the
Representative Assembly since the year 1918 and he
was elected this year by the Mandya Taluq constitu-
ency.

II. The respondent was a candidate for the
Legislative Council for the Mysore District and for
the Representative Assembly for the Mandya Taluq. -
He was defeated in both elections.

III. Enraged and disappointed he with the
help of a few enemies of the appellant put in an ob-
jection petition before the Deputy Commissioner for
setting aside the election of appellant on false al-
legations of corrupt practice. The Deputy Commissio-
ner allowed the petition. Hence the appeal.

IV. The first ground accepted by the Deputy
Commissioner

Presented
Shri. B. S. Srinivas
Vaidya
C. S. Srinivas
M. S. Srinivas
8/3
5/3
5/3

by is that Railway fare and cart hire ^{were} ~~was~~ paid by an agent and relation of appellant. Regarding this allegation, the Deputy Commissioner referred to 8 witnesses who all belonged to respondent's faction and are interested in him. Some of them are also related to him. No doubt to support respondent's case, they have made false statements that they were paid railway fare. It is very unlikely and improbable that they would have been offered railway fare or that they would have received the fare knowing that they belonged to the ^{Respondent's} ~~appellant's~~ faction. They stated in the witness box that they voted for the respondent and if that is not clear from their depositions, it may be verified by a perusal of the voting papers. It is easy to get a few witnesses of that sort.

V. The same observations apply with equal force to the evidence regarding second allegation viz., the feeding during these elections. *These allegations are all false*

VI. The Deputy Commissioner while holding that the witnesses for respondent are his partisans and are interested in him erred in acting on their evidence merely because it is difficult to ^{secure independent} ~~such~~ evidence. He has failed to view the evidence of appellant's witnesses in the same charitable light. The appellant has proved by clear and convincing evidence that he had no recourse to any corrupt practice whatever. The Lower Court has not taken into consideration the evidence adduced by the appellant and has not even discussed it in the order. The order of the Lower Court cannot there-

fore stand.

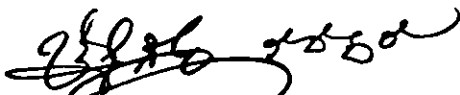
VII. The Lower Court erred in setting aside the appellant's election on the ground of a mistake in the manifesto which was corrected before it was distributed. The appellant got the manifestoes from Bangalore through a young relation by name Thammayya who is a student in the London Mission High School. Appellant is a member of the Taluq Board and has been a member of the Representative Assembly since 1918. The said student seems to have made a mistake which was corrected before distribution. After all it is only a mistake and not a corrupt practice and cannot invalidate the election. Moreover that could not have misled anybody as the circumstances were known all through the Taluq.

VIII. The Deputy Commissioner while holding that respondent was also guilty of such practices, at all events he should not have ordered the election of respondent, and the next to him in rank - should have been elected, granting for the sake of argument that appellant's election is not good.

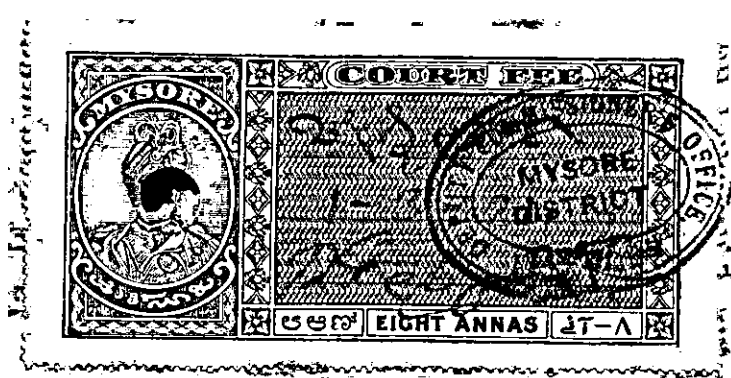
IX. The Lower Court has failed to notice that according to the notification dated 10-12-23 the objection petition should have been filed before the 21st and that the petition was barred. This -- point was also urged before the Lower Court.

X. The appellant therefore prays that the order of the Lower Court may be set aside and that the respondent's election may be set aside also - for reasons stated in para 8 above.

Bangalore |
5 - 3 - 24 |


A P P E L L A N T.

Thammayya
Adv.



26

In the Court of the Deputy
Commissioner, Mysore District

Objection Petition 4 of 1923-24.

Petitioner

Opponent

Mr. M. C. Lingagowda
Maddur.

Mr. b-hemagowda

Subject

Petition dated 21st February 1924
from Mr. M. C. Lingagowda, praying
that the election of Mr. b-hema
gowda as member to the Representa
- tive Assembly from the Mandya
Taluk Constituency may, on the
ground of corrupt practice,
be invalidated, and the
election of the next candidate



that is, himself sanctioned instead.

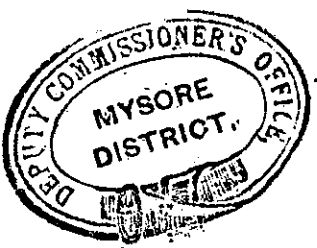
Order

The allegations against the opponents Mr Bhermagowda in this case are that he paid railfare and cart hire to a number of voters to induce them to vote for him, that he paid a large number of voters at his expense on the two days of the election with a similar object and lastly that he made certain statements which were false in the manifesto distributed by him to the voters, thereby misleading them. The payment of railfare by an agent and relation of the



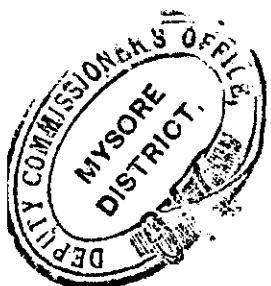
Opponent is deposed to by six witnesses belonging to the three different villages of Maddur, b-hemmanahally and Hemmanahally, while two witnesses of another village Keelara have deposed to having been paid carthire by one b-hemmagowda an agent of the opponent Mr b-hemmagowda. The feeding on the night of the 15th and the morning of the sixteenth, on which dates the elections were held, is spoken for by nine witnesses belonging to ~~the~~ four different villages of Maddur, Keelara, Indavah and Besahally.

2. The opponent in denying these allegations, has

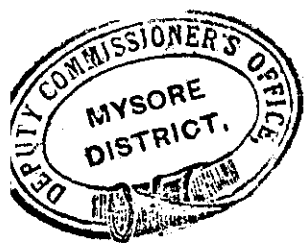


examined six witnesses who have stated that they paid their own railfare and that they saw no one purchasing and supplying tickets to others on behalf of Mr. Chinnagoda. Four witnesses have been examined who depose that there was no feeding in the bhatram as alleged, and that they either ate in the Hotel or went back to their places. The opponent further states that the petitioners' witnesses are all interested in him and have falsely deposed in his behalf.

3. I have carefully considered the positive evidence adduced by the petitioner and am of opinion that it proves the allegations made by him. If the value of such unshaken evidence is rejected merely on the ground



that it is not difficult for an unsuccessful candidate to bring forward a number of his own men to depose on his behalf, it is difficult to see what other evidence such a person can bring forward. The persons actually engaged in cooking or other services would naturally be men on the Opponent's side and would say nothing against him. The evidence of entirely disinterested persons may be difficult to secure and often if any such persons could be found they would generally be unwilling to come forward as witnesses to displease any party. Hence the evidence of persons who partook of the feeding or got

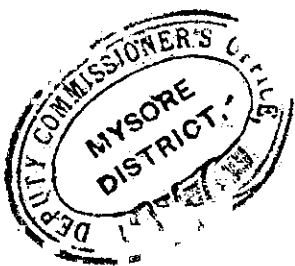


~~they~~ railway tickets free of cost
to themselves or earlhine cannot
be rejected entirely, as not
deserving of consideration

4. Next the other objection
that in the manifesto ~~that~~ ^{the statement}
that the opponent is a member
of the District Board is false
has been admitted but it is
tried to be explained in a manner
that cannot be considered satisfactory.
The statement of the Opponent that
he got the manifesto printed
through a young relation, a
student in Bangalore and that
he is not responsible for it
cannot be accepted. Much less
can it be believed that the
petitioner himself got the false
statement put in, as alleged,

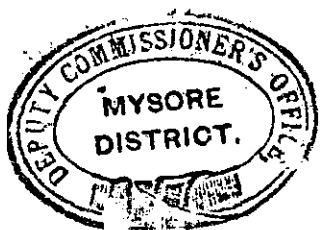


at their expense by candidates on a small scale is not unfortunately uncommon, and it may or may not be, as stated in para-3 of the opponents' statement that the petitioner has himself indulged to some small extent, in the said objectionable practice, but these considerations cannot afford any reasons to ignore malpractices ~~and~~ ~~which are still present cases~~ ~~of objectionable practices~~ which have ^{been} brought to light and fairly well proved. It is necessary in the interests of fair electioneering to take notice of such malpractices, and holding in the present



in helping the student in getting the manifesto printed. I have no hesitation in holding that the opponent entirely failed, to say the least, to excuse his responsibility and his conduct in sending forth a manifesto containing a false statement of his qualifications is not one which can be so lightly passed over. The argument that being & well known in the place, the said statement could not have influenced voters can not also avail the opponent much. -

5. It may be that the objectionable practice of paying conveyance charges of voters, or feeding them at their



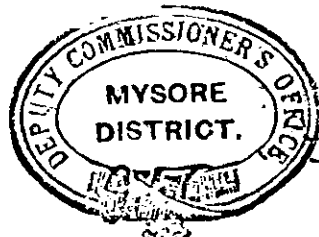
case that objectionable practices have been proved against the opponent, it is ordered that his election be declared invalid and that the petitioner Mr. M. C. Lingagowda who has secured the next highest number of votes be declared as the candidate duly elected.

copy applied on. 1-3-1924
 copy reading on 1-3-1924
 copy delivered on 1-3-1924
 Number of words. 825

6. - The petitioner having thus succeeded, it is ordered further that his costs in the case be borne by the opponent who will also bear his own costs.

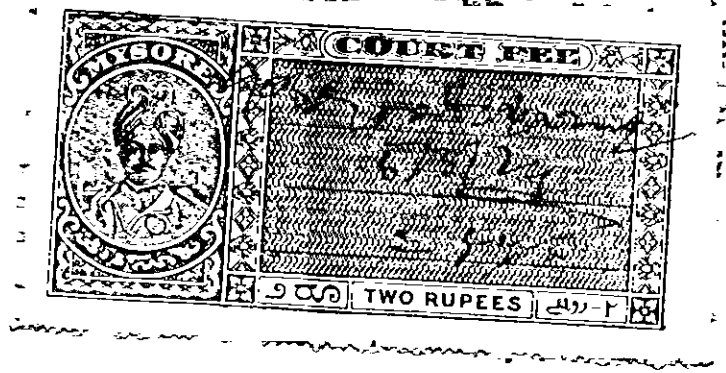
copied by N. Krishna Rao
 compared by S. S. Srinivasan
 copying fee 1-2-0
 comparing fee 0-3-0

1st March 1924.



(Sd) B. Rameswami
 Deputy Commissioner
 Mysore District

True Copy
 B. Rameswami
 District Commissioner
 Deputy Commissioner's office
 Mysore District



35

Before The
In the Court of The Court of H. H. The Maharaja of Mysore

Election aff - NO. — OF 1923-1924.

<u>Shanine Gowda</u>	}	No.	}	<u>H. C. Ling Gowda</u>

I the afft above named do hereby nominate and appoint
Messrs. A. R. NAGESVARA-IYER, B.A., B.L., ^{J. Krishnaswami Pillai, B.A., B.L.} Advocate in the above suit and
do hereby empower the said Advocate to appear for and on my behalf in the
above suit, to take all steps which may be necessary on my behalf arising out
of or in connection with the above suit either during progress or after its decision,
to sign and subscribe their names to any document which they may deem proper
to execute any decree that may be passed in my favour and to receive out of the
Court any refund of money which may be lodged or become payable or receivable
on my behalf and on receipt thereof to grant receipt or other sufficient discharges
for the same, to withdraw, compromise or refer to arbitration the said suit, to appoint
one or more substitute or substitutes and to act and perform all other matters and
things relating thereto or connected therewith, to represent me in matters relating
to the same and to act as fully and effectually to all intents and purposes as I
might do if personally present and did the same. And I do hereby agree to pay
all fees, costs, charges and expenses which may be incurred and to allow, ratify,
and confirm whatsoever the said Advocate shall lawfully do or cause or procure to
be done by the virtue of these presents.

In witness whereof I have hereunto set my hand this 5th day of
Mar. 1924.

ACCEPTED

M. K. S. S. S.
J. Krishnaswami Pillai
Advocate for afft.

5.3.24

[Handwritten signature]

Signed before me by the executant who is known to me.

[Handwritten signature]

G. R. S. VI—G/32]

SUBJECT

Rejects an appeal petition
of Mr. Chemigowda

Diary No. of letter replied to

4018
P

Section

RA

File No.

39-23

Serial No.

49

General and Revenue Secretariat

(RA)

the

191

No.

16454

Date of issue

23/5/24

Signed by

M. L. H. G.

To

Mr. Chemigowda

Son of Hombale

Maddur, Mysore D.

In reply to his petition

dated 5.3.24 appealing

against the order of the

Deputy Commissioner

Mysore D. setting aside

his election on the ground

to the Representative Assembly

from Mandya Rural Constituency

on the ground that he had

been found to have given

over.

26/5/24

Cart hire to lodge of the
voters and railway fare
to others and that he fed
these voters at his own
cost at a Chattram at
Mandya, Mr. Chennings
is informed that Government
on a perusal of the
records connected with
the ~~case~~ ^{enquiry} and after a
careful consideration
of the facts of the case,
are of opinion that
the order of the Deputy
Commissioner ^{is correct and} ~~may be~~
^{has to be upheld} ~~allowed to stand~~
The appeal petition
is rejected accordingly.
By order

List of enclosures.

Memo No. 16455 ^{Secy} ~~for~~ ^{for} Local Legis: ^{Copied by} ~~Secy to Govt~~
^{of Malabar} ~~Copy forwarded to Mr.~~ ^{Examined by}
 Dr. C. N. Nigamiah with ref. to
 Correspondence ending with his letter
 No. P. H. C. 316/23-24 D. 8. 3. 24 ^{The entire}
 file of records received therein ^{is returned}
 by order ^{for L & S Secy}